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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,098	01/10/2001	Nam Kyu Ha	C41889/121665	7401

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,098

Applicant(s)

HA ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Zicker et al in view of Murata et al.

Regarding claim 1, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote

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programming in the prior art. Regarding the telephone limitations of claim 2 Zicker et al (See Figs. 11-13 Cols. 3 and 4) show a cellular telephone and computer means which are the functional equivalents of the claim. Regarding the telephone limitations of claim 3, Zicker et al (See Figs. 11-13 Cols. 3 and 4) show a cellular telephone and computer means which are the functional equivalents of the claim. Regarding claim 4, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information.

The updating mode is equivalent to the changing of data in the memory of the cellular telephone. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote programming in the prior art. Regarding the service limitations of claim 5, Zicker et al (See Figs. 11-13 Col. 2, lines 15-25) show a cellular telephone service classes which are the functional equivalents of the claim. Regarding claim 6, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile

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unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information with In-Band signaling. The updating mode is equivalent to the changing of data in the memory of the cellular telephone and the in-band signaling is typical and obvious of control signal employed.

Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote programming in the prior art. Regarding claim 7, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information by a second cellular unit. The updating mode is equivalent to the changing of data in the memory of the cellular telephone. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data from an existing PDA which can be considered the functional equivalent of a second cellular means. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are

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well known and conventional functional equivalents of remote programming in the prior art. Regarding claim 8, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information by a second cellular unit. The updating mode is equivalent to the changing of data in the memory of the cellular telephone. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data from an existing PDA which can be considered the functional equivalent of a second cellular means. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote programming in the prior art. Regarding claim 9, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information by a second cellular unit. The updating mode is equivalent to the changing of data in the memory of the cellular telephone and the in-band signaling is typical and obvious of

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control signal employed. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data from an existing PDA which can be considered the functional equivalent of a second cellular means.

It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote programming in the prior art.

3. Claims 10-24 are rejected under 35 U.S.C. § 103 as being unpatentable over Zicker et al in view of Murata et al and Henry, Jr. et al.

Regarding claim 10, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information and use of IP protocol in a cellular system. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data. Henry, Jr. et al (See Col. 9, lines 1-5) show cellular updating with IP protocol. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote

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programming in the prior art. Regarding the address limitations of claim 11, Henry, Jr. et al (See Col. 9, lines 1-5) show cellular updating with IP protocol which obviously requires addressing. Regarding claim 12, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information and use of IP protocol in a cellular system. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data. Henry, Jr. et al (See Col. 9, lines 1-5) show cellular updating with IP protocol which obviously requires addressing. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote programming in the prior art. Regarding the service limitations of claim 13, Zicker et al (See Figs. 11-13 Col. 2, lines 15-25) show a cellular telephone service classes which are the functional equivalents of the claim. Regarding the display limitations of claim 14, Zicker et al (See element 56) or Murata et al (See element 5) show a cellular telephone displays which are the functional equivalents of the claim. Regarding the display limitations of claim 15, Zicker et al (See element 56) or Murata et al (See element 5)

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show a cellular telephone displays which are the functional equivalents of the claim which can be modified. Regarding the wireless IP limitations of claim 16, Henry, Jr. et al (See Col. 9, lines 1-5) show wireless cellular updating with IP protocol which are the functional equivalents of the claim. Regarding the wireless IP limitations of claim 17, Henry, Jr. et al (See Col. 9, lines 1-5) show wireless cellular updating with IP protocol which are the functional equivalents of the claim. Regarding claim 18, Zicker et al (See Figs. 11-13 Cols. 3 and 4) disclose method for remote management of a cellular telephone by modifying data stored within the mobile unit by an external computing means substantially as claimed. The differences between the above and the claimed invention is the specific updating and modifying of information and use of IP protocol in a cellular system. Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data. Henry, Jr. et al (See Col. 9, lines 1-5) show cellular updating with IP protocol which obviously requires addressing. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Zicker et al because they are well known and conventional functional equivalents of remote programming in the prior art. Regarding the single click limitations of claim 19, Henry, Jr. et al (See Col. 9, lines 1-5) show wireless cellular updating with IP protocol which could obviously be implemented by single clicks on a computer display.

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Regarding the Lan limitations of claim 20, these are typical network elements of the prior art which are obvious elements of most functioning networks. Regarding the PSTN limitations of claim 21, Henry, Jr. et al or Zicker et al show PSTN which are the functional equivalents of the claim. Regarding the display limitations of claim 22, Zicker et al (See element 56) or Murata et al (See element 5) show a cellular telephone displays which are the functional equivalents of the claim. Regarding the memory limitations of claim 23, Murata et al (See Fig 2) show a cellular telephone memory means which are the functional equivalent of the claim. Regarding the receive and store limitations of claim 24, Murata et al (See Figs. 1, 2 and 16, 21a, Col. 11, lines 30-65) show a remote data updating method including telephone data from an existing PDA which can be considered the functional equivalent of the claim.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

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Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park
II, 2121 Crystal Drive, Arlington, Virginia, Sixth
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.



**SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222**